

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: VISTA DELL APARTMENTS

Case Number: PSR2009-00018; SEP2009-00032;
BLA2009-00011; EVR2009-00017

Location: 9603, 9517 and 9513 NE Hazel Dell Avenue

Request: Site plan approval to construct a 157-unit apartment complex consisting of 14 buildings on a 5.46 acre site located in the High Density Residential (R-43) zone. The applicant also requests a Road Modification approval to reduce driveway spacing standards, eliminate a center median on an arterial roadway, and to allow the sidewalk to be curb-attached.

Applicant: Kitterman/Glen
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Property Owners: Paul K Akers
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Lighthouse View LLC
PO Box 61983
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DECISION

Approved, subject to Conditions

Team Leader's Initials: ATG Date Issued: July 16, 2009

County Review Staff:

	<u>Name</u>	<u>Phone</u> (360) 397-2375 <u>Ext.</u>	<u>E-mail Address</u>
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Fire Marshal:	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: Residential (R-43)

Parcel Numbers: Parcels 145806-000, 145776-000, and 145779-000, located in the NE Qtr of Section 3, Township 2 North, Range 1 East of the Willamette Meridian

Applicable Laws:

Clark County Code (CCC) 15.12 (Fire Prevention), 40.220.020 (Residential Districts), 40.260.150 (Multi-family Outdoor Recreation Area Standards), 40.320 (Landscaping), 40.330 (Crime Prevention & Safety), 40.340 (Parking), 40.350 (Transportation), 40.370 (Sewer & Water), 40.380 (Stormwater & Erosion Control), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.040 (Site Plan Review), 40.540.010 (Boundary Line Adjustments), 40.550.010 (Road Modifications), 40.570 (SEPA), 40.610 and 40.620 (Impact Fees).

Neighborhood Association/Contact:

NE Hazel Dell Neighborhood Association
Bud Van Cleve, President
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Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application

is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 6, 2008. The pre-application qualified to be contingently vested as of October 13, 2008, the date the pre-application was submitted.

The fully complete application was submitted on April 24, 2009 and determined to be fully complete on April 30, 2009. Given these facts the application is vested on October 13, 2008.

Time Limits:

The application was determined to be fully complete on April 30, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on July 17, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on August 28, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the NE Hazel Dell Neighborhood Association, SEPA Agencies, and owners of property located within 300 feet of the site on May 14, 2009.

Public Comments:

In response to the public notice, the county received one comment letter, as follows:

1. Received on May 28, 2009 from Washington Department of Ecology (Exhibit #6). The letter from Ecology states that demolition of existing structures requires asbestos abatement. Other hazardous materials must be removed prior to demolition and properly disposed. Reuse and recycling of building materials is encouraged, and the facility should be designed so that opportunities to recycle are at least as convenient as waste disposal.

All grading and filling of land must utilize only clean fill. All other materials, including waste concrete and asphalt are considered solid waste requiring a permit from the Health Department.

The letter also cites state water quality regulations and states that erosion control measures must be in place prior to any clearing, grading, or construction. It cites recommended measures to prevent contamination of surface water by erosion and sediment-laden runoff. It also advises that construction debris shall not cause water quality degradation and provides guidelines for identifying clearing limits, stabilizing soils, and preventing tracking of sediment by construction vehicles. This project requires coverage under a National Pollution Discharge Elimination System (NPDES) permit, and the letter provides contact and application information.

Staff Response

The applicant has been provided with a copy of the letter from Ecology, and is separately responsible for compliance with all state and federal regulations. A demolition permit from the Clark County Building Department is required prior to demolition or removal of any existing structures (see Condition B-1.a.). Erosion control measures will be monitored by county inspection staff during construction, and the development will be required to manage stormwater in accordance with the Stormwater and Erosion Control Ordinance (see the Stormwater section below).

Project Overview

The 5.46 site consists of three contiguous parcels. Two of the parcels each contain an existing residence, which is proposed to be removed. The third, a 3.9 acre parcel, is vacant.

The site would be developed into an apartment complex, including 13 apartment buildings totaling 156 units and a leasing office & recreation center building that includes a residence. The site plan includes carports, on site parking and vehicle circulation drives, as well as landscaping and recreation space.

Existing and proposed access to the site is from NE Hazel Dell Avenue, which abuts the site on the west. A driveway is proposed at the south end of the Hazel Dell Avenue frontage, as well as an emergency-only access at the north end of the frontage.

Except for the existing structures, the site is mostly open and grass-covered. A white oak exists in the southeast corner that is proposed to be preserved, and row of mature arbor vitae trees exists along the east property boundary. The topography of the site is relatively flat, with slopes of 0-5% over 89% of the property and 5-10% over the remaining 11%.

Abutting the site on the north is an assisted living facility and two single-family lots. Another single-family lot and a small commercial lot under construction abut the northwest portion of the site. Abutting on the east is a mobile home park, and south of the site is another assisted living facility. West of the site across Hazel Dell Avenue are single-family residential subdivisions.

The site is located within the Clark Public Utilities service area for public water, within Clark Regional Wastewater District for sewer, and within Fire District 6.

Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban High Residential	Residential (R-43)	Residential
North	Urban High Residential	Residential (R-43)	Mobile home park

Compass	Comp Plan	Zoning	Current Land Use
Northwest	Neighborhood Commercial	Neighborhood Commercial (C-2)	Commercial
East	Urban High Residential	Residential (R-43)	Residential
South	Mixed Use	Residential (R-43)	Residential
West	Urban Low Residential	Single-family Residential (R1-7.5)	Mobile home park

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Boundary Line Adjustment

The site consists of three contiguous lots of record. The applicant proposes to consolidate the three lots into a single lot through a boundary line adjustment (BLA), as depicted in Exhibit #1, sheet 9. This is necessary in order to avoid setback issues with the internal parcel boundaries.

In accordance with CCC 40.540.010, a boundary line adjustment is a process for the purpose of adjusting boundary lines which does not create any additional lot. A boundary line adjustment is exempt from platting statutes. The resulting lot must comply with zoning standards.

Staff finds that the proposed BLA will not create any additional lots and will not violate zoning standards for lots in the R-43 zone. Therefore, the BLA may be approved. The BLA needs to be recorded before final site plan approval. (see Condition A-1.a.)

Finding 2 Development Standards

Table 40.220.020-2 contains the lot and density standards for the R-43 zone. The density as proposed is 29 units per acre, which complies with the minimum 20 u/a and maximum 43 u/a required.

Table 40.220.020-3 provides standards for developments in the Residential zones. The applicable setbacks are as follows:

- Front (west) : 20 feet
- Side (north & South): 10 feet
- Rear (east): 20 feet

The preliminary site plan demonstrates compliance with the setback standards and the minimum 8-foot building separation standard.

Maximum building height is 45 feet. The proposed apartment buildings are three stories high, but will not exceed 45 feet.

Finding 3 Landscaping

A minimum 20% of the site area is required to be landscaped. The proposed plan will provide approximately 30% landscape coverage.

Landscape buffers are required around the perimeter of the site in accordance with Table 40.320.010-1 as follows:

- North, east & south (abutting R-43): 5-foot buffer with L1 landscaping
- West (abutting Hazel Dell Ave): 10-foot buffer with L2 landscaping
- West (abutting C-2): 10-foot buffer with L3 landscaping
- West (abutting R-43): 5-foot buffer with L1 landscaping

The preliminary landscape plan meets the required standards, with the following exception:

- No ground cover is indicated within the east landscape buffer. Live ground cover is required in addition to the trees and shrubs. (see Condition A-2.a.)

Landscape islands are required in the parking area at a ratio of one landscape island for every seven parking spaces, in accordance with CCC 40.320.010(E). The preliminary landscape plan provides the required landscape islands.

Landscape plantings are required within a planting strip within the right-of-way along the site frontage of NE Hazel Dell Avenue, in accordance with CCC 40.320.020, because Hazel Dell is an arterial. The preliminary landscape plan provides the required street trees.

An irrigation plan is required in accordance with CCC 40.320.010(G)(7). (see Condition A-2.b.)

Prior to occupancy, verification is required that the landscaping has been installed in accordance with the final approved landscape plan. (see Condition F-3)

Finding 4 Recreation Space

Private and shared recreation space is required in accordance with CCC 40.260.150.

Each apartment unit will have a private outdoor patio or deck meeting or exceeding these standards.

Shared outdoor space is required at a rate of 200 square feet per unit. At 157 units, a minimum of 31,400 square feet of shared outdoor recreation space is required. The site plan provides 31,613 square feet of outdoor space plus an indoor recreation room in the administration building.

Staff finds that the recreation space requirements will be met.

Finding 5 Parking

Off street parking is required, in accordance with CCC 40.340.010, at a minimum rate of 1.5 spaces per dwelling unit. Based on 157 units, a minimum of 236 spaces are required. The site plan provides a mix of car ports and open parking spaces totaling 269 spaces.

Based on 269 parking spaces, a minimum of seven ADA accessible spaces are required, and are provided. The final site plan shall provide adequate detail for staff to verify compliance with all ADA parking standards. (see Condition A-1.b.)

Wheel stops located three feet back from the front of the parking stall are required for parking spaces abutting sidewalks and required landscape buffers. The edge of a raised sidewalk may serve as the wheel stop, provided that it is at least 4 inches high and that the sidewalk has sufficient width remaining after subtracting the 3-foot vehicle overhang to meet ADA accessibility standards. Similarly, the parking lot curb abutting landscaped areas may serve as the wheel stop, provided that the 3-foot overhang area may not be counted toward the required landscape buffer. (see Condition A-1.c.)

Finding 6 Phasing

The applicant proposes to develop the site in two separate phases. The preliminary phasing plan proposes to develop roughly the west half of the site in the first phase and the east half in the second. Staff finds that a phasing plan needs to ensure that each phase of construction includes adequate infrastructure (such as streets, pedestrian circulation facilities, stormwater facilities, utilities, landscaping, parking, etc.) to support the use of that phase. The preliminary phasing plan appears to make adequate provisions and is feasible.

CCC 40.500.010 states that a site plan approval expires five years after the effective date of the decision approving the development. However, CCC 40.500.010(B)(2) provides that an application specifically approved for phased development may be granted extensions, provided certain criteria are met. Therefore, this phasing approval will make the development eligible for extensions. (see Condition G-1)

Finding 7 Solid Waste Storage

Storage areas for solid waste and recyclables are required in accordance with CCC 40.360. Multi-family residential buildings containing more than ten units are required to provide a minimum storage area of 50 square feet plus an additional five square feet for each unit over ten. Each of the proposed apartment buildings contains 12 units. Therefore each building is required to provide a minimum 60 square feet of storage area. The total for 13 buildings would be a minimum of 780 square feet.

The preliminary site plan identifies three trash enclosures totaling 735 square feet. Therefore, additional storage space is needed to meet the standard. (see Condition A-1.d.)

The final site plan needs to include sufficient detail to verify compliance with the size, location, and design criteria in CCC 40.360. (see Condition A-1.e.)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to the conditions identified under Conditions of Approval below, meets or can meet the land use requirements of the Clark County Code.

TRANSPORTATION:

Finding 8 Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of CCC 40.350.010. The proposed development abuts one public street, NE Hazel Dell Avenue. There is an existing 6-foot wide sidewalk along the site's frontage that provides safe access for pedestrians to/from the development. There are existing bike lanes on NE Hazel Dell Avenue abutting the site. No additional bike lanes are required with this development. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation complies with Section 40.350.010.

Finding 9 Circulation Plan

In compliance with CCC 40.350.030(B)(2), a circulation plan shall provide adequate cross-circulation for serving the proposed development and allow future developments to meet the cross circulation standards. The site is surrounded by existing development on all sides, which provides no opportunity for street connectivity through the proposed development. Access to the development will be from NE Hazel Dell Avenue, which is an existing arterial street that connects to the surrounding public street network. Based upon this information, staff finds that the circulation plan complies with the requirements of CCC 40.350.030(B)(2).

Finding 10 Access Management

The proposed development includes 157 residential units. In accordance with CCC 40.350.030(B)(4)(b)(4)(a), no road may serve more than one hundred (100) lots or dwelling units unless that road is connected by a second vehicle access to the same "feeder" road at a different location, or to another "feeder" road that functions at a level equal to at least an urban local residential access. The second access road may be a county emergency access road only, if it serves less than two hundred (200) lots. As permitted, the proposed development includes two access roads. The second access is an emergency access road only.

The minimum driveway spacing requirement on an arterial, pursuant to CCC 40.350.030-7, is 150 feet, based on a 35-mph speed limit. The applicant is requesting road modification approval to deviate from this standard because an existing driveway will be within 150-feet of the proposed driveway. (Refer to Finding 13 below.)

Finding 11 Frontage Roads

NE Hazel Dell Avenue, abutting the site on the west, is classified as an Urban Minor Arterial (M-2cb). The requirements for this road classification are a half-width right-of-way of 40 feet, a half-width roadway of 23 feet, curb, gutter, 6 foot detached sidewalk, and landscaping.

There is currently a 40-foot half-width right-of-way for NE Hazel Dell Avenue along the site frontage, which meets the standard. However, the existing section contains a curb-tight sidewalk and the planter strip varies from 6 feet to 0 feet, which does not meet the standard. Therefore, the applicant is requesting road modification approval to permit a curb-tight sidewalk and placement of the planter strip in an easement. (Refer to Finding 13 below.)

Finding 12 Sight Distance

The applicant has submitted a Sight Distance Certification letter from Kelly Engineering, dated March 26, 2009, signed and stamped by David Kelly, PE. Sight distance was measured at the proposed location of the site's principal access to NE Hazel Dell Avenue. The measured corner sight distance at the location was over 350 feet when looking towards the north and south. A minimum distance of 350 feet

is required as based on posted speed limit of 35 mph on NE Hazel Dell Avenue and the criteria in code section 40.350.030(B)(8). Therefore, the sight distance requirement is met at the location of the future site driveway.

Finding 13 Road Modifications

The applicant requests three modifications to the Transportation Standards:

1. To reduce the minimum driveway spacing standard;
2. To eliminate the requirement to install a centerline median/barrier on Hazel Dell Avenue, a Minor Arterial; and,
3. To eliminate the requirement for a detached sidewalk and allow the existing attached sidewalk to remain.

Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550.020. The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Applicant's Discussion

1. The first proposed modification is for approval to deviate from Section 40.350.030-7, "Driveway Spacing on Arterials/Collectors", for the proposed driveway access onto NE Hazel Dell Avenue. This code section requires minimum driveway separations, which vary depending on the posted speed limits. The posted speed limit for NE Hazel Dell Avenue 35 M.P.H.; therefore, the required driveway separation is 150 feet. The proposed location of the main access to the apartment will end up being approximately 137 feet from an existing driveway to the south and approximately 94 feet from one to the north. Please see Exhibit #2, Tab "S" for a complete discussion of the request and justification.

The applicant believes that a road modification should be allowed for the proposed reduced driveway separation on NE Hazel Dell Avenue under the above stated specific criterion "a".

2. The proposed plan, without a raised median/barrier, is equal to or better than if a median were required to be installed. As documented in the submitted traffic study, Exhibit 2 Tab "M", there is no justification for requiring a median. Justification for the requirement would include traffic queues along the site frontage, a failing LOS, limited sight distance or a significant number of accidents. Field observation revealed no traffic queues along the site frontage, an acceptable LOS of "D" with build-out of the site, excellent site distance, and no reported accidents. Please see Exhibit #2, Tab "S" for a complete discussion of the request and justification.

The applicant believes that a road modification should be approved to eliminate the center median/barrier because it falls under specific criteria "a" and "c".

3. NE Hazel Dell Avenue contains attached sidewalks that exist along the sites frontage. Attached sidewalks do not meet Clark County standards for an Urban Minor Arterial. The required 4 foot planter strip will be placed in an easement behind the existing sidewalk. Please see Exhibit #2, Tab "S" for a complete discussion of the request and justification.

The applicant believes that a road modification should be approved to eliminate the center median/barrier because it falls under specific criteria "a" and "c".

Staff's Evaluation

1. The site is surrounded by developed properties making NE Hazel Dell Avenue the only road to gain access from. Placing the primary access any place along NE Hazel Dell Avenue would result in substandard driveway spacing. Staff concurs with the applicant that, due to existing conditions, this request meets the specific criterion "a" as stated above.
2. Staff concurs with the applicant that requiring a raised median/barrier would need to be justified by deficient traffic queues along the frontage, failing LOS, limited sight distance, or a significant number of accidents. Being that none of this condition is met, staff agrees with the applicant that this request meets specific criteria "a" and "c".
3. The attached sidewalk existed along the site frontage prior to application for land use approval. A detached sidewalk has a 4-foot planter strip between the curb and sidewalk. The applicant proposes to create the required street landscaping in an easement behind the back of the existing sidewalk, which staff agrees with the applicant that this request would fall under the specific criterion "c" as stated above.

Conclusion

Staff concludes that the three requested modifications are justified under the approval criteria and should be granted.

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the transportation requirements of Clark County Code.

TRANSPORTATION CONCURRENCY:**Finding 14 Trip Generation**

County concurrency staff has reviewed the proposed Vista Dell Apartments development. This proposed development will consist of multiple apartment buildings comprised of 157 units. The applicant's traffic study estimates the a.m. peak-hour trip generation of 78 new trips and the p.m. peak-hour trip generation of 95 new trips.

These trip generations were estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed site is located on the east side of NE Hazel Dell Avenue approximately 600 feet south of the intersection of NE 99th Street/NE Hazel Dell Avenue.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Finding 15 Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study analyzed the proposed full movement site access for level of service. The applicant's study indicates that the proposed site access onto NE Hazel Dell Avenue will operate at a LOS D or better in the 2012 build out horizon. Staff concurs with the traffic study findings.

It should be noted that the applicant has submitted a Road Modification Request regarding a median installation on NE Hazel Dell Avenue. This request is addressed under Finding 13 above.

Finding 16 Concurrency Compliance

The proposed development is required to meet the standards established in CCC

40.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development.

Signalized Intersections

The county's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year. Therefore, county staff has determined that this development will comply with adopted concurrency standards for signalized intersections.

Unsignalized Intersections

County staff has evaluated the operating levels and standard delays represented in the county's model. The county's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections with the exception of the following intersection:

- NE Salmon Creek Avenue/NE 119th Street

NE Salmon Creek Avenue/NE 119th Street

The intersection of NE Salmon Creek Avenue/NE 119th Street is currently operating at a LOS E and meets signal warrants, thereby creating a Concurrency failure, with the failing movement being a southbound left turn. The applicant's traffic study indicates that there are no vehicle trips assigned to the failing approach at the NE Salmon Creek Avenue/NE 119th Street intersection. Staff concurs with the applicant's traffic study findings. Because this proposed development will not materially contribute to the degradation of the NE Salmon Creek Avenue/NE 119th Street intersection southbound left turn movement, additional analysis or mitigation at this intersection is not required.

Concurrency Corridor

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model of the study corridors of regional significance, under County Jurisdiction, yielded operating levels and travel speeds with an acceptable level of service.

Summary

County staff has determined that this development can comply with adopted concurrency standards for corridors, signalized and unsignalized intersections under county jurisdiction.

The county incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the county for costs incurred in running the concurrency model. (see Condition A-5.a.)

Finding 17 Safety

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6). The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020, or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 18 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study analyzed the need for turn lanes at the site access on NE Hazel Dell Avenue. The applicant's study concluded that turn lanes are not warranted due to good levels of service, lack of accident history, and good sight distance at the site access intersection. County staff concurs with the applicant's findings.

STORMWATER:

Finding 19 Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area and all land disturbing activities, except those exempted in CCC 40.380.030(A).

This project will create more than 2,000 square feet of new impervious surface and it is a land disturbing activity not exempted in Section 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 20 Stormwater Proposal

The project consists of constructing a 156-unit apartment complex, parking lot, open spaces and landscaping. The project creates 3.33 acres of new impervious surface area. Storm runoff will be treated and detained on site.

A wet pond will be centrally located, and will treat the site. Storm runoff will be detained and allowed to infiltrate after treatment. Infiltration testing at the site yielded favorable rates, however the soil type has been known to be unsuitable for infiltration in the Clark County area. Therefore, a backup storm connection to the existing stub to the east will convey runoff in case of reduced infiltration.

The storm water quality facility has been designed in accordance with WSDOT's standard specifications and the BMP manual. The runoff from the proposed impervious areas will be collected and conveyed to a centrally located wet pond that will provide water quality treatment. Storm runoff will be detained and allowed to infiltrate after treatment.

The proposed water quality facility will be designed to treat 70% of the 2-year, 24-hour storm, as required.

Finding 21 Site Conditions and Stormwater Issues

The property is 5.18 acres in area with slopes of 0-5% over 89% of the parcel and 5-10% over 11% of the parcel. The preliminary stormwater report indicates that the proposed total area of new impervious surface consisting of roofs, parking lot area, and road access will be approximately 3.33 acres.

The National Resources conservation service (NRCS, formerly SCS) mapping shows the site to be underlain by Odne soils (OdB) and Hillsboro soils (HoB) classified by AASHTO as A-6 and A-4 soils, respectively. This soil is designated as hydrologic group "D" and "B", respectively. CCC 40.380 does not list A-6 or A-4 soils as suitable for infiltration; however, the applicant proposes infiltration as a means of stormwater disposal.

In accordance with the provisions of Section CCC 40.380.040(B)(2), all development activities required to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development. (see Condition A-6.a.)

Finding 22 Infiltration

The project proposes to utilize infiltration as a method of stormwater quantity control. According to the Stormwater & Erosion Control Ordinance (CCC 40.380), infiltration of 100-year storm event is the preferred method for stormwater disposal from the developed site. Natural Resource Conservation Service mapping shows the site to be underlain by Odne soils and Hillsboro soils (OdB and HoB), designated as A-6 and A-4 soils, respectively, in accordance with AASHTO classification. Odne soils and Hillsboro soils are designated as hydrologic group "D" and "B" respectively.

The applicant has submitted an Infiltration Testing Report by Carlson Geotechnical, stamped and signed by Jeanne Niemer, PE., dated May 16, 2003. The infiltration testing consisted of 6 infiltration pits, IT1 through IT6.

The applicant has submitted a Report of Additional Infiltration Testing performed by Carlson Geotechnical, stamped and signed by Gabriel Burgess, PE., dated January 30, 2009. The infiltration testing consisted of 1 test pit, Infiltration Test Number IT-1.

The Infiltration Test number IT-1, conducted on January 16, 2009, is shown in Figure 1 of Infiltration Testing Report, Exhibit 2, Tab I. The infiltration test (IT-01) was conducted within test pit TP-15, as identified in Tab I, at depths of 13 feet in Silty Sand (SM). Test results are summarized below. Laboratory tests performed included grain distribution analyses and AASHTO Specification M145 soil classification as required per the stormwater ordinance. In accordance with the provisions of CCC 40.380.040(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined in AASHTO Specification M145 are suitable for infiltration.

The test data, which include onsite observed infiltration rates, are summarized in the following table:

Date	Test Pit	Depth (feet)	Infiltration Rate (inches/hour) Groundwater Info
5/13/03	IT-1	10	1 in/hr No groundwater encountered.
5/13/03	IT-2	10	15 in/hr No groundwater encountered.
5/13/03	IT-3	12	1 in/hr No groundwater encountered.
5/13/03	IT-4	5	2 in/hr No groundwater encountered.
5/13/03	IT-5	9	10 in/hr No groundwater encountered.
5/13/03	IT-6	10	9 in/hr No groundwater encountered.
1/16/09	IT-1	13	0.75 in/hr Groundwater encountered at 11.5 to 14 feet in two test pits (TP-13 and TP 14)

Finding 23 Feasibility of Infiltration as a Method of Stormwater Disposal

In accordance with CCC 40.380.040(C)(3), the measured infiltration rate shall be equal to or greater than eight (8) inches per hour. The design of the infiltration systems, in accordance with the Carlson Geotechnical reports, should be 10 inches/hour (summer) and 0.375 inches (winter). The storm runoff quantity mitigation system should be sized to retain/detain the balance of the post-developed 100 year storm volume when releasing the pre-developed 100 year flow rate. (see Condition A-6.b.)

The proposed infiltration facility includes an emergency overflow for the case where the infiltration system fails to function as designed. If the proposed infiltration facility fails to function as designed, future homes and downstream properties will be substantially impacted due to flooding.

Staff is concerned that during grading activities, the native soil layers may be disturbed to the extent that design infiltration rates could not be achieved. (see Condition C-1)

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions under Conditions of Approval below, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:**Finding 24 Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 25 Fire Flow

Fire flow in the amount of 1,500 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Fire flow is based upon a residential building with an approved fire sprinkler system installed.

Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 3,758 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Condition B-1.b.)

Finding 26 Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (see Condition A-8.a.)

Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. (see Condition A-8.b)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (see Condition A-8.c.)

Finding 27 Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Ensure that fire apparatus access roads maintain an

unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet.

Fire apparatus turnarounds are not required.

Roadways shall be an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Finding 28 Fire Suppression Systems

An automatic fire sprinkler is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. (see Condition E-1.a.)

Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. (see Condition E-1.b.)

Finding 29 Fire Alarm Systems

An approved fire alarm system is required at the time of construction for buildings in excess of 5,000 sq. ft. and subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. (see Condition E-1.c.)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets or can meet the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 30 Utilities

The site will be served by Clark Public Utilities for public water and by the Clark Regional Wastewater District for public sewer. Utility reviews from the purveyors confirm that services are available to the site.

Approved connections to these utilities shall be verified prior to occupancy. (see Condition F-2)

Finding 31 Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any

structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition A-9)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 32 Impact Fees

The additional proposed residences will produce impacts on schools, parks, and roads, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC Subtitle 40.6.

The site is within:

- Vancouver School District, with a SIF of \$1,421.00 per dwelling unit
- Park District #9, with a PIF of \$1,472.00 per dwelling unit (\$1,151 for park acquisition / \$321 for park development).
- Hazel Dell subarea with a TIF of \$2,541.61 per dwelling unit

The total amount of impact fees for the 157 proposed multi-family units will be reduced by an amount equal to the impact fees for two single-family dwellings to compensate for the two existing residences being removed from the site.

The appropriate amount of impact fees shall be paid prior to issuance of a building permit for each building. (see Condition E-2)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**

- DNS = Determination of Non-Significance (**The impacts can be addressed by applying the County Code**).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on May 14, 2009 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.020(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Alan Boguslawski, Planner II
(360) 397-2375 ext 4921

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan (identified as Exhibit #1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan** – The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.520.040 and the following conditions of approval:
- a. The applicant shall record a boundary line adjustment with the Clark County Auditor that consolidates the three lots into one lot. A copy of the recorded BLA shall be submitted with the final site plan. (see Finding 1)
 - b. The final site plan shall provide adequate detail for staff to verify compliance with all applicable ADA accessibility site standards. (see Finding 5)
 - c. The final site plan shall provide wheel stops located three feet back from the front of the parking stall for parking spaces abutting sidewalks and required landscape buffers, in accordance with CCC 40.340.010(A)(10). (see Finding 5)
 - d. The site plan shall be amended to provide a minimum of 780 square feet total of storage area for solid waste and recyclables, in accordance with CCC 40.360.020. (see Finding 7)
 - e. The final site plan shall provide storage areas for solid waste and recyclables in sufficient detail to verify compliance with the size, location, and design criteria in CCC 40.360. (see Finding 7)

- A-2 Final Landscape Plan** – The applicant shall submit and obtain County approval of a final landscape plan in conformance to CCC 40.320, and the following conditions:
- a. Live ground cover plantings shall be provided within the east landscape buffer, in accordance with the L1 standard. (see Finding 3)
 - b. The final landscape plan shall include an irrigation plan, in accordance with CCC 40.320.010(G)(7). (see Finding 3)
- A-3 Final Construction Plan** - The applicant shall submit and obtain County approval of a final construction plan with the following:
- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- A-4 Final Transportation Plan/On-Site** - The applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.
- A-5 Final Transportation Plan/Off Site (Concurrency)** - The applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000.00. (see Finding 16)
 - b. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
 - c. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-6 Final Stormwater Plan - The applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall conduct a downstream analysis of off-site water quality impacts resulting from the development activity one-fourth of a mile downstream from the development site and shall mitigate these impacts. (see Finding 21)
- b. The stormwater facility shall be constructed such that if infiltration is not achieved as designed the release of the stormwater will still meet Clark County's quality and quantity requirements. (see Finding 23)

A-7 Erosion Control Plan - The applicant shall submit and obtain county approval of a final erosion control plan designed in accordance with CCC 40.380.

A-8 Fire Marshal Requirements:

- a. Fire hydrants are required for this application. The indicated number and spacing of fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (see Finding 26)
- b. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. (see Finding 26)
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (see Finding 26)

A-9 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Site Plan Review, building permit issuance, or occupancy), and approved by the Health Department. (see Finding 31)

A-10 Other Documents Required – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-11 Excavation and Grading - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and:
- a. Prior to removal of any existing structures on the site, the applicant shall obtain approval of a demolition permit from the Clark County Building Department. The applicant shall comply with applicable asbestos abatement requirements.
- b. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Finding 25)
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 Stormwater** – The installation of infiltration systems shall be observed and documented by an engineer licensed in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. (see Finding 23)

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Not Applicable**

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Fire Marshal Requirements:

- a. An automatic fire sprinkler is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. (see Finding 28)
- b. Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. (see Finding 28)
- c. An approved fire alarm system is required at the time of construction for buildings in excess of 5,000 sq. ft. and subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. (see Finding 29)

- E-2 Impact Fees** – Prior to issuance of a building permit, the applicant shall pay Impact fees to the Clark County Building Department in the following amounts, based on the number of residential units in the building:

- School Impact Fee of \$1,421.00 per dwelling unit (Vancouver School District)
- Park Impact Fee of \$1,472.00 per dwelling unit (Park District #9)
- Traffic Impact Fee of \$2,541.61 per dwelling unit (Hazel Dell subarea)

PROVIDED; the total amount payable for the first building permit shall be reduced by the following amounts to compensate for the two existing single-family residences being removed from the site:

- \$2,224.00 for school impact fees
- \$4,032.00 for park impact fees
- \$7,337.32 for traffic impact fees

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 32)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping** – Prior to the issuance of an approval of occupancy, the applicant shall submit a copy of the approved final landscape plan with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation have been installed in accordance with the attached approved plans and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. (see Finding 3)
- F-2 Water & Sewer** – The applicant shall provide documentation from Clark Public Utilities and the Clark Regional Wastewater District that connections to public water and sewer, respectively, have been installed and approved. (see Finding 30)

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- G-1 Site Plans and Other Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted; PROVIDED, that extensions may be granted for phases in accordance with the criteria in CCC 40.500.010(B)(2). (see Finding 6)
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**

- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 Outdoor Lighting – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on July 16, 2009. Therefore any appeal must be received in this office by 4:30 PM, 30, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:		
-On-site landscape plan	X	
-Right-of-way landscape plan*	X	
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

